

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SANTANDER CONSUMER USA, INC.,

Plaintiff,

KATE A. MENSAH,

Plaintiff-Intervenor

v.

THE CITY OF YONKERS, A.P.O.W.
TOWING, LLC and HAROLD
WUESTENHOEFER,

Defendants.

CIVIL ACTION NO: 20-CV-04553(KMK)

JUDGMENT

SANTANDER CONSUMER USA, INC. and
CCAP AUTO LEASE LTD.,

Plaintiff,

v.

THE CITY OF YONKERS,

Defendant.

CIVIL ACTION NO: 21-CV-10715 (PMH)

JUDGMENT

These actions, having been commenced by the filing of Complaints dated June 15, 2020 and December 15, 2021, respectively; and it appearing that Defendant, City of Yonkers (“Defendant”) made an offer of judgment pursuant to Federal Rule of Civil Procedure 68 on July 10, 2023; and it appearing that Plaintiff, Santander Consumer USA, Inc. (“Plaintiff”) unconditionally accepted that offer on July 14, 2023; and Plaintiff having filed the offer, acceptance, and an appropriate proof of service with the court in accordance with Rule 68(a); and

good cause having been shown; judgment is hereby entered against Defendant pursuant to Fed. R. Civ. P. 68 as follows:

Judgment is entered in favor of Plaintiff and against Defendant, City of Yonkers, in the amount of \$140,000, aside from and in addition to the \$3,000 damages award previously paid to Plaintiff pursuant to a separate Rule 68 Offer dated August 3, 2021 in Dkt. No. 7:20-cv-4553, inclusive of all costs, disbursements and Attorney's fees incurred by or on behalf of the Plaintiff and any claims that said Plaintiff could assert against the Defendant City or otherwise for costs, disbursements and Attorney's fees, in the Above Captioned Matters; and

Judgment is entered against Defendant requiring Defendant to further revise the Defendant City's Code to adopt a new policy and procedure (the "Policy Update") for the future handling of motor vehicles subject to liens that are seized by the City, by amending §§ 109-37, 109-42, and 109-132 of its City Code in relation to any motor vehicle being towed or removed for non-payment of parking tickets or other violations of law or Code to provide for prompt notice of towing or removal, as well as an opportunity to be heard before a person or party independent of the Defendant City, to any registered owner, title owner, lessor or lien holder of any motor vehicle being towed or removed for non-payment of parking tickets or other violations of law or Code.

This Court shall retain jurisdiction of this action to ensure compliance with this Order and for all other purposes related to this Action.

There being no just reason for delay, the Clerk of the Court is hereby instructed to enter this Order and Judgment against Defendant City of Yonkers forthwith and without further notice.

The Clerk of Court is directed to close these cases.

SO ORDERED, this 14th day of July, 2020³~~x~~

Dated: July 14, 2023
White Plains, New York



A handwritten signature in black ink, appearing to be 'V. M. K.', is written over a horizontal line.